

FILED**United States District Court**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 11 2001

DISTRICT OF NEW MEXICO

R. Thompson
CLERK

UNITED STATES OF AMERICA

V.

Silvia PEREZ- GARCIA AKA Silvia P.
MOYA, Maria, Alejandra GARCIA- MORALES
DOB: 02-10-1962
12021 Skyline NE Apt 2503
Albuquerque, NM
(Name and Address of Defendant)**CRIMINAL COMPLAINT**CASE NUMBER: **01M0632**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 21, 2001 in Bernalillo county, in the

District of New Mexico defendant(s) did, (Track Statutory Language of Offense)

Possess with Intent to Distribute more than 100 grams of Heroin; and,
Aiding and Abetting.

in violation of Title 21 United States Code, Section(s) 841(a)(1), 841(b)(1)(B); 18 U.S.C. 2

I further state that I am a(n) DEA Special Agent and that this complaint is based on the following
Official Title

facts: See attached affidavit

Continued on the attached sheet and made a part

☒ Yes ☐ No

Timothy R. Davis
Signature of Complainant

Sworn to before me, and subscribed in my presence,

DEC 11 2001

Date

WILLIAM DEATON

U. S. Magistrate Judge

Name and Title of Judicial Officer

at Albuquerque, NM
City and State

William Deaton
Signature of Judicial Officer

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO)
)
)
COUNTY OF BERNALILLO)

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Timothy R. Davis, after being duly sworn, depose and say as follows:

1. I am employed as a Special Agent with the Drug Enforcement Administration (DEA) and have been so appointed since June 1999. I am familiar with the information contained in this affidavit through the observations of other law enforcement officers conveyed to me.
2. Beginning in September 2001, a Bernalillo County Sheriff's Department (BCSD) Narcotics Detective (acting in an undercover capacity) conducted a series of evidentiary purchases of heroin from Juan RAMON- CEDANO AKA Victor GARCIA- GUILLEN AKA MIGUEL AKA FLACO. RAMON- CEDANO and his associates are believed to members of a street level distribution cell for a black tar heroin trafficking network based out of the State of Nayarit in Mexico. After one of the undercover purchases and surveillance, detectives followed Juan RAMON- CEDANO to his residence at 12021 Skyline NE, Apartment 2503 in Albuquerque, NM.
3. On November 21, 2001, Sheriff's detective executed a state search warrant at 12021 Skyline NE, Apartment 2503 in Albuquerque, NM. After conducting a protective sweep of the apartment, detectives detained occupants and advised them of their rights per *Miranda v. Arizona*. Detectives identified Juan RAMON- CEDANO sleeping on the couch in the living room. In the bedroom of the apartment, detectives found Santiago CEDANO AKA Javier PINEDA- HERNANDEZ and Silvia PEREZ- GARCIA AKA Silvia P. MOYA AKA MARIA AKA Alejandra GARCIA- MORALES in bed together.
4. Detectives seized two yellow marble- sized balloons containing heroin and Juan RAMON- CEDANO's wallet from the pockets of a pair of brown trousers lying beside the couch. RAMON- CEDANO's driver's license and ~~mm~~ ~~AA~~

approximately \$1,227.00 U.S. Currency were seized from the wallet. Detectives seized a quantity of black tar heroin, a digital scale, and balloons for packaging the drugs from a nylon camera bag beside the couch. Detectives also found a pair of women's shoes in the living room, which contained hidden compartments in the heels. Two wrapped packages were seized from the compartments of both shoes. When asked by a detective what the substance in packages was, Silvia PEREZ- GARCIA stated "heroin." Based upon training and experience, I know that drug smugglers often employ hidden compartments or pouches when body- carrying controlled substances to avoid detection by police.

5. Detectives seized a pager from the living room. The pager was subscribed to telephone number 505-299-0378, which is the same telephone number used by the undercover detective to coordinate heroin deliveries from Juan RAMON- CEDANO. During the conduct of the search warrant, a cellular telephone which detectives believed belonged to Sylvia PEREZ- GARCIA received several calls. On a few of the calls, detectives answered the phone. Unknown callers would ask for "Maria" and request the delivery of heroin. BCSD Detective Roldan Large believes that Sylvia PEREZ- GARCIA uses the alias "Maria" in the conduct of retail heroin distribution based upon intelligence received in a previous heroin investigation and a description of her provided by a Confidential Source.
6. In the bedroom which was occupied by Santiago CEDANO and Sylvia PEREZ- GARCIA, detectives found two more pair of women's shoes with hidden compartments. No drugs were found in said shoes. A Ruger P-90 .45 caliber pistol displaying serial number 661-16348 was discovered in the closet of the bedroom. A digital scale was also seized from the bedroom. Based upon training and experience, I know that digital scales are commonly used by street level drug distributors in the conduct of their illicit activities.
7. Detectives also searched a vehicle listed on the temporary license tag to Santiago CEDANO AKA Javier PINEDA- HERNANDEZ pursuant to a second search warrant. Approximately \$8,530.00 U.S. Currency in inconsistent denominations was seized from a box in the vehicle. Based upon training and experience, I know that it is TM

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common for drug distributors to possess large sums of currency, which are proceeds from their illicit activities. An identification card was found for Santiago CEDANO, along with Mexican Voter Registration Cards for Juan RAMON- CEDANO and Sylvia PEREZ- GARCIA. A state indictment for Trafficking Controlled Substances for Victor AVILA was also seized from the car. I know that AVILA is currently under federal indictment for drug trafficking charges originating in Santa Fe County, New Mexico. AVILA is believed to be member of the Nayarit heroin distribution network.

8. I have discussed the immigration status of suspects with INS Special Agent Bob Godshall. Based upon a check of INS databases, Special Agent Godshall believes that Juan RAMON- CEDANO may be a criminally deported alien from an earlier heroin distribution conviction. He also believes that Sylvia PEREZ- GARCIA and Santiago CEDANO may be aliens, unlawfully or illegally, in the United States. Based upon training and experience, I know that it is common for drug distributors affiliated with Nayarit heroin trafficking organizations to be illegal aliens.
9. The total amount of heroin seized from the residence was approximately 640 gross grams. BCSD Detective Roldan Large conducted a presumptive field test of samples of heroin seized from the property. The test indicated positive for heroin, a Schedule I controlled substance. He also knows the substance to be black tar heroin based upon its color, texture, smell, packaging, and appearance.

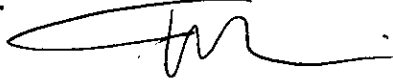
Based upon the information contained in the foregoing affidavit in support of this complaint, I believe there is probable cause that Juan RAMON-CEDANO, Santiago CEDANO, and Sylvia PEREZ- GARCIA did knowingly and intentionally violate the following statutes of the Federal Criminal Code:

1. **21 U.S.C. § 841 (a) (1), 21 U.S.C. § 841 (b) (1) (B):**
Possession with Intent to Distribute more than 100 grams of Heroin;

2. **18 U.S.C. § 2:** Aiding and Abetting. *MD*

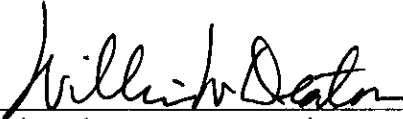
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I have presented this affidavit to James Tierney,
Supervisory Assistant United States Attorney, and was
advised that, in his opinion, the proposed warrant is in
proper form and supported by probable cause.
Further affiant sayeth not.



Timothy R. Davis
Special Agent
Drug Enforcement Administration

Sworn to before me this the 11th day of December, 2001.



United States Magistrate Judge